

Submitted July 28, 2010

Approved As of

Date July 28, 2010

MINUTES OF THE ROCKVILLE PLANNING COMMISSION
MEETING NO. Meeting No. 10-10
Wednesday, May 12, 2010

The City of Rockville Planning Commission convened in regular session in the Mayor and Council Chambers at 7:00 p.m., Wednesday, May 12, 2010.

PRESENT
David Hill, Chair
Sarah Medearis
Tracy Pakulniewicz
Dion Trahan
John Tyner

Absent: Kate Ostell

Present: Bridget Newton, Council Liaison
Susan Swift, Director, Community Planning & Development Services
Jim Wasilak, Chief of Planning
Deane Mellander, Zoning Administrator
Marcy Waxman, Assistant City Attorney
Bobby Ray, Principal Planner
Mark Charles, Chief, Environmental Management
Ann Wallas, Planner III
Margaret Hall, Planner II
Jeremy Hurlbutt, Planner II
Joe Thompson, Planner II
Manisha Tewari, Planner II
Tyler Tansing, Commission Secretary

REVIEW AND ACTION

Final Record Plat PLT2010-00500, Jeremy and Audra Snider - for the recordation of an existing property into a single record lot of 15,720 square feet in the R-90 Zone at 6 West Argyle Street.

Ms. Hall presented the staff report.

Jeremy Snider presented his request and explained the situation that the lot line between Part Lots 11 and 13 should be erased in order to construct an addition. He stated that he and his wife were not made aware of this when they purchased their home.

Ms. Hall answered questions from the Commission regarding the lot line.

Commissioner Tyner moved, seconded by Commissioner Pakulniewicz to approve Final Record Plat PLT2010-00500 per staff recommendations. The motion passed on a vote of 5-0 with Commissioner Ostell being absent.

Time Extension for Detailed Application CPD2006-004AB, SG Office Associates, LLC - for the second of two one-year time extensions for the detailed application allowing a 114,776 square foot office building and associated parking in the PD-FG Zone (Falls Grove) at 14995 Shady Grove Road.

Mr. Hurlbutt presented the staff report.

Erica Leatham, attorney with Meyers Eisler Leatham LLC, presented the applicant's request. Ms. Leatham gave the reasons why the applicant is asking for a second time extension.

Mr. Hill questioned staff regarding the Tolling Policy and how it would affect this time extension request. Ms. Leatham also explained the situation.

Mr. Wasilak further clarified the Tolling Policy.

In response to Commissioner Trahan, Ms. Leatham explained the hardship and the process the applicant has gone through to get to this point.

Mr. Hurlbutt and Mr. Wasilak also explained the process of the time extension.

After further discussion, Commissioner Tyner moved, seconded by Commissioner Medearis to approve the second Time Extension for Detailed Application CPD2006-004AB, SG Office Associates, LLC per staff recommendations. The motion passed on a vote of 5-0, Commissioner Ostell was absent.

RECOMMENDATION TO MAYOR AND COUNCIL

Zoning Text Amendment TXT2010-00225, Mayor and Council of Rockville - to clarify the definition of a buildable lot, to establish minimum frontage requirements in certain zones and allow fences up to six feet in height in PD Zones.

Mr. Thompson presented the staff report.

The Commission discussed concerns regarding the text amendment:

Consolidation of lots; the basis for the 10 foot and 25 foot minimum street frontages for lots and the zones where they would apply; new fence height language; not permitting six-foot fences in front yards or on properties having three front yards; and, buildable lots.

Commissioner Tyner moved, seconded by Commissioner Medearis to recommend approval of staff recommendations for Zoning Text Amendment TXT2010-00225, Mayor and Council of Rockville. The motion passed on a vote of 5-0 with Commissioner Ostell being absent.

Commissioner Tyner moved, seconded by Commissioner Trahan, on a supplemental recommendation to retain fence heights of 4 feet in the yard adjacent to the front entrance and allow heights up to 6 feet elsewhere. The motion passed on a vote of 3-2 with Commissioners Medearis and Pakulniewicz opposed, Commissioner Ostell was absent.

Zoning Text Amendment TXT2010-00226, Mayor and Council of Rockville - to modify the definitions of Open Area and public use space and the amount of public use space required in Mixed Use Zones.

Mr. Thompson presented the staff report.

The Commission discussed the following matters of concern:

Examples of why the 20% public use space requirement was cumbersome for some applicants; what would classify as publicly accessible public use space; fee-in-lieu of public use space; stormwater sites that are publicly usable; and could public art and recreation areas be included as open space areas. Mr. Mellander and Ms Swift explained the public use space requirement.

Pat Harris, Attorney with Holland & Knight, on behalf of several property owners within the City of Rockville spoke in support of the text amendment. Ms. Harris offered three specific recommendations. 1) revising the definition of Open Area to include green roofs; 2) to reduce the Open Area requirement on MXCD sites; and, 3) a gradual 10% increase when retaining a portion of the site in a redevelopment scenario. Ms. Harris stated that they would recommend capping the required Public Use space to 10% on MXTD sites that contain residential components when the development involves a redevelopment where at least 50% of the existing building is retained. Ms. Harris further explained the recommendations. Ms. Harris questioned the MXE Zone's Open Space requirement. Mr. Mellander explained.

Discussion continued regarding green roofs and what would be classified as public use space and open area and making them accessible to the public.

Matt Valentini with JBG Companies spoke in support of the text amendment and why and what should be clarified in the text amendment.

The benefits of publicly-accessible use space, open space, interior space, and green space

were discussed. The Commission also expressed concerns regarding density; the fee-in-lieu process, and the percentage of public use space as stated in the text amendment.

After further discussion, Commissioner Pakulniewicz moved, seconded by Commissioner Trahan, to recommend denial of Zoning Text Amendment TXT2010-00226, to the Mayor and Council as drafted. The motion passed on a vote of 4-1 with Commissioner Medearis voting nay. Commissioner Ostell was absent.

PRESENTATION

Master Plan Elements | Memo - for a presentation of the draft Municipal Growth Element and Water Resources Element.

Ms. Swift introduced the Municipal Growth Element of the Comprehensive Master Plan. Ms. Swift stated that the Municipal Growth Element and the Water Resources Element are required to be adopted by October 1, 2010. She said that staff is presenting an overview of both Elements in advance of the public hearing, which is on June 9, 2010. Ms. Swift stated that no action is required this evening. Ms. Swift informed the public that both Elements are on the City's website for perusal and the record will remain open for comments.

Manisha Tewari, Planner II, Long-Range Planning, presented an overview of the Municipal Growth Element.

Questions from the Commission concerned public school attendance numbers; existing student population related to the current population in the City; and, Maximum Expansion Limits and its role in the Municipal Growth Element (MGE). and the greying of the population.

Mark Charles, Chief of Environmental Management, presented an overview of the Water Resources Element.

The Commission inquired about the taste quality of the water; maintenance of the City's water storage tanks; increases in water rates; security measures for water treatment facilities; and, inspection of inferior stormwater management facilities in the City.

COMMISSION ITEMS

Chief of Planning Report

Mr. Wasilak reported that the Planning Commission's next meeting is scheduled for May 26, 2010. Mr. Wasilak discussed the upcoming agenda as well as having a worksession with the Traffic and Transportation Commission at the Planning Commission's June 9, 2010 meeting. Commissioner Hill suggested two topics to be discussed during the worksession regarding changing traffic regulation and rerouting Route 28. Commissioner Medearis suggested discussed traffic intersections and their quality throughout the City.

Old Business

No Old Business

New Business

No New Business

FYI Correspondence

Commissioner Hill mentioned that he received an email regarding the Beall's Grant II use permit and a concern about the time frame in which the Planning Commission's Letter of Approval was issued. Mr. Wasilak explained the situation.

ADJOURN

There being no further business to come before the Planning Commission, the Chair adjourned the meeting at 10:42 p.m.

Respectfully Submitted,

Tyler Tansing, Commission Secretary